

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION NO. 2613 OF 1985

WITH

SPECIAL CIVIL APPLICATION NO. 427, 428 & 6568 OF 1986

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? No.
2. To be referred to the Reporter or not? No.
3. Whether Their Lordships wish to see the fair copy of the judgement? No.
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? No.
5. Whether it is to be circulated to the Civil Judge? No.

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In Spl.C.A.No. 2613/85.

A.N. PATEL

Versus

STATE OF GUJARAT

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Appearance:

In Spl.C.A. No.2613/85.

MR SR BRAHMABHATT, for the petitioners.

MR HR JANI, A.G.P. for the respondents.

In Spl.C.A. Nos.427 & 428 of 1986.

MR SR BRAHMBHATT, for the petitioners.

MR HR JANI, A.G.P. for respondents no. 1 and 2.

MR ND GOHIL, for respondents no. 3 to 8.

In Spl.C.A. No.6568/86.

None present for the petitioners.

MR HR JANI, A.G.P. for the respondents.

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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 14/11/97

ORAL JUDGEMENT

As in all these four special civil applications common question of facts and grounds have been raised the same are taken up for hearing together and are being disposed of by this common judgment

2. The petitioners are officers of the forest department of the Government of Gujarat and the grievance has been made by them in these special civil applications that the respondents may be directed to maintain ratio of 2:1 for promotees and direct recruits in Gujarat Forest Service Class II. The grievance in sum and substance is that the respondents had made direct recruitment in excess of the quota. Learned Counsel for the petitioners in these four petitions made a statement before this Court that the petitioners in these four petitions have been promoted. So, the grievance of the petitioners for promotion no more survives.

3. Even if it is taken to be a case where the respondents have recruited by direct recruitment in Gujarat Forest Service Class II in excess quota then this grievance at this stage is premature because admittedly the seniority list of the petitioners has not been prepared so far, as none of the parties to these petitions have brought on record of these petitions any such seniority list. The grievance of the petitioners is that excess recruitment has been made by direct recruitment can be taken care of only when the seniority list is prepared and if it is correct, necessary adjustment can be made by bringing down excess recruits in the seniority list. Even if this fact has not been taken note of and the petitioners' seniority list to their detriment is prepared, then the petitioners have sufficient opportunity to raise all these objections before the respondents. It is not gain say to state that the seniority list is prepared by following the procedure namely firstly the provisional seniority list is prepared and those who are affected by their position shown in that list have right to file objections and thereafter the lists are finalised. So, the petitioners will have

sufficient opportunity to make their case in respect of excess quota recruitment made by direct recruitment by the respondents in Gujarat Forest Service Class II and the consequential effect thereof in the seniority. In case, so far seniority list of the petitioners is not prepared in Gujarat Forest Service Class II then it is expected of the respondents to prepare the same within a reasonable time i.e. within six months from the date of receipt of writ of this order and the petitioners should be given opportunity to make their representation against that list in case their position therein has been given at the place otherwise than where they claim it ought to be.

4. All these Special Civil Applications and rule therein stand disposed of in the aforesaid term, with no order as to costs.

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